

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1329

**Introduced by Assembly ~~Member Brownley~~ *Members Brownley
and Chesbro***

(Principal coauthor: Senator Simitian)

(Coauthor: Senator Hancock)

February 27, 2009

~~An act to add Part 9 (commencing with Section 49750) to Division 30 of the Public Resources Code, relating to product management. An act to add Section 25 to Chapter 21 of the Statutes of 2009, relating to waste management.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1329, as amended, Brownley. ~~Product management: single-use recyclable packaging containers. Waste management.~~

Existing law creates the California Integrated Waste Management Board with specified powers and duties.

Chapter 21 of the Statutes of 2009, which will go into effect on January 1, 2010, will abolish the California Integrated Waste Management Board and transfer its duties and responsibilities to the Department of Resources Recycling and Recovery, which Chapter 21 of the Statutes of 2009 will create in the Natural Resources Agency, under the direction of an executive officer known as the Director of

Resources Recycling and Recovery. Chapter 21 of the Statutes of 2009 will authorize the director to accept on behalf of the department federal grants, and will require the grants to be deposited in the Special Deposit Fund, which is continuously appropriated.

Under existing law, the Department of Conservation administers the California Beverage Container Recycling and Litter Reduction Act.

Chapter 21 of the Statutes of 2009 will transfer those duties to the Division of Recycling that Chapter 21 of the Statutes of 2009 will establish within the newly created Department of Resources Recycling and Recovery.

Existing law establishes the Office of Education and the Environment in the California Integrated Waste Management Board.

Chapter 21 of the Statutes of 2009 will transfer the Office of Education and the Environment to the California Environmental Protection Agency.

This bill would delay the operative date of the changes made by Chapter 21 of the Statutes of 2009 to January 1, 2011.

~~The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, prohibits a person from selling a food or beverage container in this state that is labeled with the term “compostable” or “marine degradable,” unless the food or beverage container meets certain requirements.~~

~~This bill, on and after July 1, 2014, would prohibit a retail establishment or retailer, as defined, from selling, distributing, or importing in commerce a single-use recyclable packaging container, as defined, that is comprised predominantly of polyvinyl chloride plastic resin.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION. 1. Section 25 is added to Chapter 21 of the Statutes*
2 *of 2009, to read:*

3 *SEC. 25. This act shall become operative on January 1, 2011.*

4 ~~SECTION 1. Part 9 (commencing with Section 49750) is added~~
5 ~~to Division 30 of the Public Resources Code, to read:~~

PART 9. ~~PRODUCT MANAGEMENT~~

~~CHAPTER 1. DEFINITIONS~~

~~CHAPTER 2. POWERS AND DUTIES~~

~~CHAPTER 3. ENFORCEMENT AND PENALTIES~~

~~CHAPTER 4. PLASTIC RECYCLING CONTAMINATING CONTAINERS~~

49750. The Legislature finds and declares all of the following:

(a) ~~It is the intent of the Legislature to increase plastic recycling in California.~~

(b) ~~Polyvinyl chloride plastic resin is a potent contaminant in recycling of commonly recycled plastics.~~

(c) ~~Containers made from polyvinyl chloride plastic resin look identical to containers made from commonly recycled plastic resins and cannot be efficiently sorted out from the recycling stream.~~

(d) ~~Removing polyvinyl chloride plastic resin from container types that are present in plastic recycling will increase plastic recycling, strengthen California's recycling infrastructure, and increase material diversion from landfills.~~

49751. For the purposes of this chapter, the following terms have the following meanings:

(a) ~~"Retail establishment" or "retailer" means an individual, partnership, corporation, association, or other legal relationship that engages in the business of selling goods to retail buyers.~~

(b) (1) ~~"Single-use recyclable packaging container" means a container that meets all of the following conditions:~~

(A) ~~A container used to contain, protect, or hold a consumer good, food, or beverage until that item is opened or consumed, after which point the container serves no other function and is intended to be discarded.~~

(B) ~~The container has the shape of a bottle, clamshell, sack, cup, bowl, shrink or stretch wrap, or other packaging shape.~~

(2) ~~"Single-use recyclable packaging container" does not include any of the following:~~

(A) ~~A container used solely in transportation and not made available to consumers.~~

1 ~~(B) A container that is used solely for the transportation and~~
2 ~~protection of a building material, including, but not limited to,~~
3 ~~windows and related products used in residential construction.~~

4 ~~(C) A container that encloses a dangerous drug, as defined in~~
5 ~~Section 4022 of the Business and Professions Code, or a container~~
6 ~~that encloses an over-the-counter human or veterinary drug,~~
7 ~~including, but not limited to, a drug as defined in Section 109925~~
8 ~~of the Health and Safety Code or as defined in Section 321 of Title~~
9 ~~21 of the federal Food, Drug, and Cosmetic Act.~~

10 ~~(D) A container in which a medical device, as defined in Section~~
11 ~~109920 of the Health and Safety Code, is enclosed.~~

12 ~~(E) A container that is used to contain a petroleum-based~~
13 ~~product, including a fuel, lubricant, fuel additive, or other~~
14 ~~petroleum-based products used on or in motor vehicles.~~

15 ~~49752. On and after July 1, 2014, a retail establishment or~~
16 ~~retailer shall not sell, distribute, or import in commerce a single-use~~
17 ~~recyclable packaging container that is comprised predominantly~~
18 ~~of polyvinyl chloride plastic resin.~~